

REMARKS

In response to the Office Action mailed March 17, 2009, Applicant respectfully requests reconsideration. Claims 1-13, 15-23, 25-32 and 35-51 were previously pending in this application. By this amendment, Applicant is canceling claim 20 without prejudice or disclaimer. Claims 1, 23, 25, 26, 32, 36 and 37 have been amended. As a result, claims 1-13, 15-19, 21-23, 25-32 and 35-51 are pending for examination with claims 1, 21, 23, 32 and 37 being independent claims. No new matter has been added.

Objections to the Claims

Claims 25-26 are objected to because they depend from cancelled claim 24. Each of claims 25 and 26 has been amended to depend from claim 23.

Accordingly, withdrawal of this objection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 1-4, 8-9, 13, 15, 18-23, 25-31, 37-42, 44 and 48-50 are rejected under 35 U.S.C. §103(a) based on Flickner et al., U.S. Patent No. 6,577,329 in view of Gorbet, U.S. Patent No. 6,542,163. Applicants respectfully submit that, even if combined, Flickner and Gorbet would not meet all limitations of any of the claims.

Flickner describes a system for relevance feedback that uses gaze tracking in connection with a ticker interface. As understood, the system of Flickner provides a fixed area for a ticker-like display to scroll across the screen (Col. 2, lines 59-61). The system determines whether the user looks at the display area for the ticker and then determines what information was on the ticker at the time the user looked at it (Col. 3, lines 40-48; Col. 4, lines 11-15). Based on how long the user looks at information displayed on the ticker, the system infers a level of user interest in that information (Col. 5, lines 38-40).

The Office Action apparently recognizes that Flickner does not disclose dynamically locating a herald such that the distance of the herald from the user's focus of attention is a function of urgency. The Office Action cites Gorbet, Col. 13, lines 25-40, as teaching this

limitation. However, the cited passage of Gorbet describes determining whether to display a tip for operating a computer application program based on how quickly a user is interacting with the computer application program. The cited passage of Gorbet makes no mention of changing the location at which the tip is displayed.

Accordingly, even if combined, the combination would not meet limitations of claim 1, such as: “an information controller that ... dynamically selects a location on the one or more display screens based on the user’s current activity and focus of attention and the assigned urgency.” It follows that the combination also would not meet the limitation: “wherein the selected location is such that the distance of the information herald from the user’s focus of attention decreases as the urgency increases.”

For reasons that should be apparent from discussion of the references in conjunction with claim 1, even if combined, the combination would not meet all limitations of independent claim 21. For example, claim 21 recites: “means for dynamically locating the message in a user’s workspace such that the distance between the message location and the user’s focus of attention decreases with increasing message priority.” As noted above, neither reference describes changing the location of a message in a user’s workspace. It follows that the combination would not meet the limitation relating to dynamically locating the message based on the user’s focus of attention and message priority, as claimed.

Independent claim 23 is also rejected based on Flickner and Gorbet. For reasons that should be apparent from the discussion of the references in conjunction with claim 1, even if the references were combined, the combination would not meet all limitations of claim 23, including: “increasing the priority of the message based on a passage of time” and “dynamically moving the output region increasingly closer to the determined focus of attention in relation to the priority of the message as the priority increases.”

Likewise, independent claim 37 recites limitations that would not be met by the combination of Flickner and Gorbet. For example, the combination would not meet limitations of claim 37 such as: “when the priority of the received herald is below the threshold level, displaying the herald at a location on the periphery of the display.” Moreover, the claim recites:

“when the priority of the received herald is above the threshold level, displaying the herald at a location that is a distance from the user’s determined focus of attention selected based at least in part on the priority.” This limitation also would not be met by the combination of Flickner and Gorbet. Accordingly, each of the independent claims 1, 21, 23 and 37 patentably distinguishes over Flickner and Gorbet and the rejection should be withdrawn. Claims 2-4, 8-9, 13, 15, 18-22, 25-31, 38-42, 44 and 48-50 each depend, directly or indirectly, from one of the independent claims and should be allowed at least based on their dependency.

Claims 32 and 35-36 are rejected under 35 U.S.C. §103(a) based on Flickner et al. in view of Horvitz, Attention Sensitive Alerting. Applicants respectfully disagree.

Claim 32 has been amended to recite “selecting a distance based at least in part on the utility generated from the attention model.” The claim further recites “dynamically placing information alerts within a work space at the selected distance from the user’s current focus of attention.” Applicants respectfully submit that neither reference relates to selecting a placement for information alerts. Though the Office Action cites to Flickner, col. 6, lines 55-65 in conjunction with this limitation, the cited passage describes use of a timer so that information displayed to a user may change after a predetermined period of time of the user looking at information already on the display. This passage does not describe that the information is displayed at a distance relative to the user’s current focus, let alone a distance selected based on utility. Accordingly, even if Flickner and Horovitz were combined, the combination would not meet all limitations of claim 32 and the rejection should be withdrawn.

Claims 35 and 36 depend from claim 32 and should be allowed at least based on their dependency.

Claims 5-7 and 10-12 are rejected under 35 U.S.C. §103(a) based on Flickner et al. and Gorbet, in view of Samar, U.S. Patent No. 5,563,514. Applicants respectfully disagree.

Claims 5-7 and 10-12 depend, directly or indirectly, from independent claim 1. For reasons stated above in connection with claim 1, the combination of Flickner and Gorbet does not meet all the limitations of claim 1. Samar is not cited as teaching the limitations not met by the combination of Flickner and Gorbet. Accordingly, even if Samar were combined with

Flickner and Gorbet, the combination would not meet all limitations of the claim and the rejection should be withdrawn.

Claims 16-17, 43, 45-47 and 51 are rejected under 35 U.S.C. 103(a) based on Flickner in view of Gorbet and further in view of Monnes, U.S. Patent No. 6,459,440. Each of these claims depend, directly or indirectly, from one of the independent claims discussed above. For reasons previously described, the combination of Flickner and Gorbet does not meet all limitations of any of the independent claims. Monnes is not cited as teaching the limitations not met by the combination of Flickner and Gorbet. Accordingly, even if Monnes were combined with Flickner and Gorbet, the combination would not meet all limitations of any of claims 16-17, 43, 45-47 or 51, and the rejection should be withdrawn.

General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

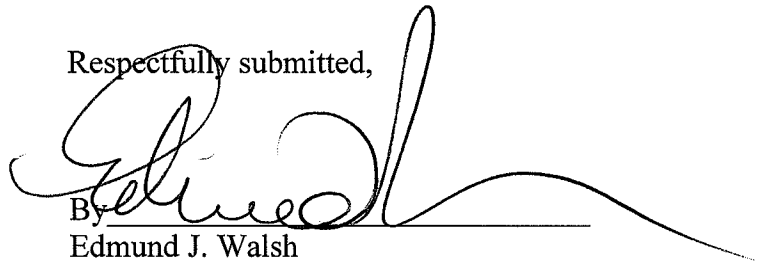
A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70728US00 from which the undersigned is authorized to draw.

Dated: July 16, 2009

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Edmund J. Walsh', is written over a horizontal line.

By

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